

**PLANNING BOARD  
RESOLUTION No. 2013-43**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD GRANTING A VARIANCE  
FOR PROPERTY LOCATED AT 612 GRIFFIN  
LANE (RE# 00011230-000000, AK# 1011533) IN  
THE HISTORIC HIGH DENSITY  
RESIDENTIAL (HHDR) ZONING DISTRICT,  
FOR REAR YARD SETBACK REQUIREMENTS  
FOR A SECOND STORY ADDITION PER  
SECTION 90-391 and SECTION 122-630 (6)c. OF  
THE LAND DEVELOPMENT REGULATIONS  
OF THE CODE OF ORDINANCES OF THE  
CITY OF KEY WEST.**



**WHEREAS**, Section 122-630 (6)c of the Code of Ordinances provides that the minimum rear yard setback distance for a building is 20 feet from the property line; and

**WHEREAS**, Section 90-391 of the Land Development Regulations allows aggrieved property owners to request relief from the requirements of the code through the variance process with seven criteria for approval; and

**WHEREAS**, the applicant requested variances to rear yard setback requirements to allow a 0' lot line in order to build a second story addition on to the existing non-conforming one-story structure; and



Chairman



Planning Director

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on August 15, 2013; and


**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and


**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that the variances granted are the minimum variances

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Planning Director

that will make possible the reasonable use of the land, building or structure; and

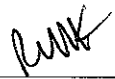
**WHEREAS**, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and


**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variances; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variances application, and by addressing the objections expressed by those neighbors;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

  
\_\_\_\_\_  
Chairman


  
\_\_\_\_\_  
Planning Director

**Section 2.** An approval by resolution of the Key West Planning Board to allow a second story structure to be constructed at 0 feet from the property line by granting a variance to rear yard setback requirements per plans received July 1, 2013 attached herein, on property located at 612 Griffin Lane (RE# 00011230-000000, AK # 1011533) in the HHDR zoning district per Sections 90-391, and Section 122-630(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West with the following conditions:

1. That a fire safety sprinkle system be installed in the house and approved by the City's Fire Marshal.
2. That a certificate of appropriateness is obtained from HARC.
3. That all gutters are directed in to downspouts that are directed onto landscaped areas or swales on the property.

**Section 3.** It is a condition of these variances that full, complete, and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application or shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the as described

  
\_\_\_\_\_  
Chairman  
  
\_\_\_\_\_  
Planning Director

in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

**Section 5.** These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

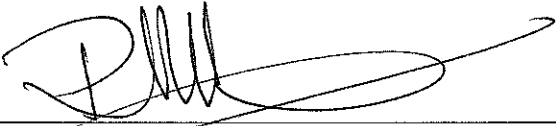
**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

  
Chairman  
  
Planning Director

Read and passed on first reading at a duly noticed meeting held this 15th day of August, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.


  
Richard Klitenick, Planning Board Chairman  
9/9/2013  
Date

**Attest:**

  
Donald Leland Craig, AICP, Planning Director  
9.5.13  
Date

**Filed with the Clerk:**

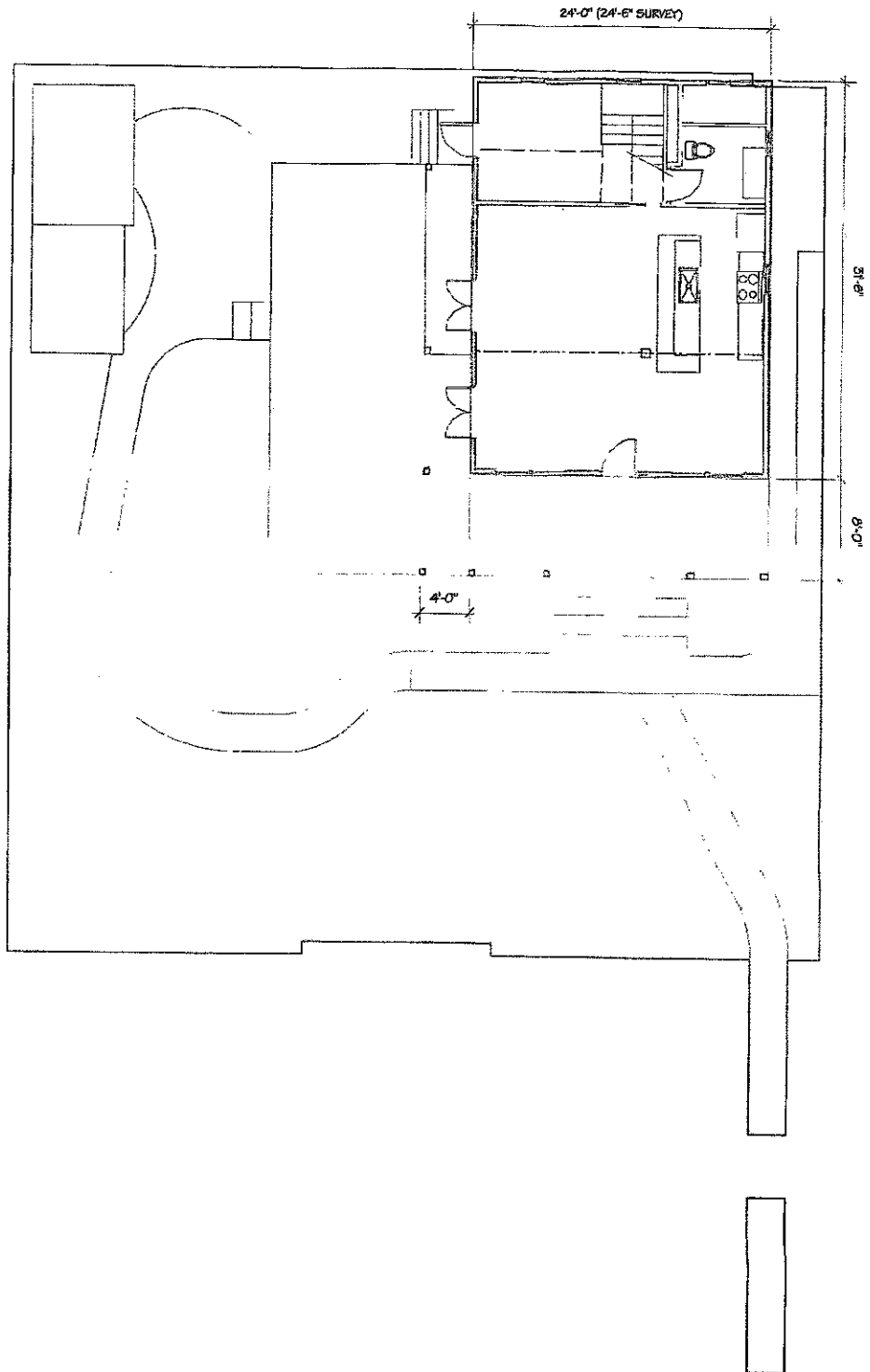
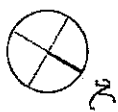
  
Cheryl Smith, City Clerk  
9-12-13  
Date

\_\_\_\_\_  
Chairman  
  
Planning Director

SITE & PLAN FIRST FLOOR PLAN

Scale:

1/8"=1'-0"



DE

9-10-13

first

renovations to  
610 GRIFFIN LANE  
KEY WEST, FLORIDA

